

2/26/2019 12:01 PM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 31494052  
By: Miaeda Hutchinson  
Filed: 2/26/2019 12:01 PM

2019-14202 / Court: 055

CAUSE NO. \_\_\_\_\_

ELVA NAVA

VS.

WAL-MART STORES, INC. AND  
WAL-MART STORES TEXAS, LLC.

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IN THE DISTRICT COURT

OF HARRIS COUNTY TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ELVA NAVA, Plaintiff (sometimes referred to only as "Plaintiff"), complaining of WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC., Defendants (sometimes referred to collectively as "WAL-MART"), and for cause of action would show this Honorable Court the following:

**I.  
DISCOVERY CONTROL PLAN**

Plaintiff intends to conduct discovery in this matter under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

**II.  
PARTIES**

Plaintiff is an individual and a resident of Houston, Harris County, Texas.

Defendant WAL-MART STORES, INC. is a foreign for-profit corporation conducting business in the State of Texas. Defendant may be served with process by delivering citation to its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

Defendant WAL-MART STORES TEXAS, LLC. is a foreign limited liability company conducting business in the State of Texas. Defendant may be served with process by delivering citation to its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900,



Dallas, Texas 75201-3136.

**III.  
JURISDICTION AND VENUE**

This Court has jurisdiction because the amount in controversy is within its jurisdictional limits. Venue is proper in Harris County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris county.

**IV.  
FACTS**

This suit is brought as a result of an incident that occurred on or about July 9, 2018. On said date, Plaintiff, who was an invitee at Wal-Mart store #1279 located in Houston, Texas, slipped on a slick substance which had accumulated on the floor in the detergent isle. Plaintiff was seriously injured as a result.

**V.  
NEGLIGENCE – WAL-MART**

The incident was proximately caused by the negligence and gross negligence of Defendants WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC. in creating a condition on the premises that created an unreasonable risk of harm to visitors. Further, Defendants WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC. knew, or in the exercise of ordinary care should have known, of this unsafe condition on its premises, but failed to remedy or correct the condition and failed to warn patrons at the store, including Plaintiff, of the danger. Such negligence was the proximate cause of Plaintiff's injuries.

**VI.  
DAMAGES**

As a producing, direct and proximate result of the incident and injuries for which Defendants are liable, Plaintiff seeks and is entitled to the following damages:

1. physical pain and mental anguish in the past and future;
2. lost wages and loss of earning capacity in the future;
3. physical disfigurement in the past and future;
4. physical impairment in the past and future;
5. medical care in the past and future;
6. exemplary damages; and
7. all other damages allowed by law and equity.

As such, Plaintiff affirmatively pleads that they seek monetary relief over \$200,000.00 but not more than \$1,000,000.00.

#### **VII. INTEREST**

Plaintiff specifically pleads for pre-judgment interest at the maximum legal rate.

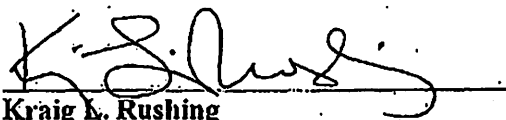
#### **VIII. REQUEST FOR DISCLOSURE**

Pursuant to Rule 194, you are requested to disclose, within 50 days of this request, the information or material described in Rule 194.2(a)-(k).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer, and that on final trial hereof Plaintiff have judgment against the Defendants, jointly and severally, and that Plaintiff recover (1) actual and compensatory damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of suit; (4) exemplary damages; (5) attorney's fees; and such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

**BRONSTON LEGAL PC**

A handwritten signature in black ink, appearing to read 'K. Rushing', is written over a horizontal line.

**Kraig L. Rushing**

State Bar No. 24071554

4615 Southwest Freeway, Suite 350

Houston, Texas 77027

Telephone: 713-723-3000

Telecopier: 713-664-7017

E-Mail: [krushing@bronstonlegal.com](mailto:krushing@bronstonlegal.com)

**ATTORNEY FOR PLAINTIFF**



**Service of Process  
Transmittal**

03/05/2019

CT Log Number 535041420

**TO:** Kim Lundy Service of Process, Legal Support Supervisor  
Walmart Inc.  
702 SW 8th St, MS#0215  
Bentonville, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Nava Elva, Pltf. vs. Wal-Mart Stores, Inc. and Wal-Mart Stores Texas, LLC, Dfts.

**DOCUMENT(S) SERVED:** Citation, Petition

**COURT/AGENCY:** 55th Judicial District Court Harris County, TX  
Case # 201914202

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 07/09/2018 - Wal-Mart Store #1279, Located at Houston, Texas

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Process Server on 03/05/2019 at 11:05

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next after the expiration of 20 days after you were served

**ATTORNEY(S) / SENDER(S):** Kraig L. Rushing  
Bronston Legal PC  
4615 Southwest Freeway, Suite 350  
Houston, TX 77027  
713-723-3000

**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/06/2019, Expected Purge Date: 03/11/2019  
  
Image SOP  
  
Email Notification, Kim Lundy Service of Process [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**SIGNED:** C T Corporation System

**ADDRESS:** 1999 Bryan Street  
Suite 900  
Dallas, TX 75201

**TELEPHONE:** 214-932-3601

Page 1 of 1 / PK

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

CAUSE NO. 201914202

RECEIPT NO.

0.00

CIV

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TR # 73597484

PLAINTIFF: NAVA, ELVA  
vs.  
DEFENDANT: WAL-MART SOTRES INC

In The 55th  
Judicial District Court  
of Harris County, Texas  
55TH DISTRICT COURT  
Houston, TX

## CITATION

THE STATE OF TEXAS  
County of Harris

TO: WAL-MART STORES TEXAS LLC (A FOREIGN LIMITED LIABILITY COMPANY) BY  
SERVING ITS REGISTERED AGENT C T CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900 DALLAS TX 75201 - 3136

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 26th day of February, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 28th day of February, 2019, under my hand and seal of said Court.

Issued at request of:  
RUSHING, KRAIG LYLE  
4615 SOUTHWEST FREEWAY SUITE  
350  
HOUSTON, TX 77027  
Tel: (713) 723-3000  
Bar No.: 24071554



*Marilyn Burgess*

MARILYN BURGESS, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: CHAMBERS, WANDA ULW//11170720

## OFFICER/AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ M., on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Executed at (address) \_\_\_\_\_ in

\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_ M., on the \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, by delivering to \_\_\_\_\_ defendant, in person, a

true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

FEE: \$ \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_ County, Texas

By \_\_\_\_\_ Deputy

Affiant

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public